

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION

**ELISSA SHETZER, SHANA BETTS,  
ERIC MARTIN, JASON COPE and  
ANGELA GUFFEY, Each Individually and on  
Behalf of All Others Similarly Situated**

**PLAINTIFFS**

vs.

Case No. 5:15-cv-112-RWS

**HARTE-HANKS RESPONSE MANAGEMENT/AUSTIN, INC.**

**DEFENDANT**

**BRIEF IN SUPPORT OF PLAINTIFFS' AGREED  
ATTORNEYS' FEES AND COSTS**

COME NOW Plaintiffs Elissa Shetzer, et al., each individually and on behalf of all others similarly situated, by and through their attorney Josh Sanford of Sanford Law Firm, PLLC, pursuant to the Court's Order dated June 9, 2017 (ECF No. 117), and provide the Court with the following information in support of the attorneys' fees and costs agreed upon in the Parties' settlement agreement submitted to the Court on January 27, 2017 (ECF No. 116):

1. The settlement agreement submitted jointly by the Parties for the Court's approval provides \$85,000.00 for Plaintiffs' attorneys' fees and costs in this lawsuit and in the related matter styled *Mary Ann Bennett, et al. v. Harte-Hanks Response Management/Austin, Inc.*, No. 5:16-cv-99-RWS (E.D. Tex.).

2. The Fair Labor Standards Act ("FLSA") requires courts to award prevailing Plaintiffs their reasonable attorneys' fees. *Little v. Tech. Specialty Prods. LLC*, No. 4:11-CV-717, 2014 U.S. Dist. LEXIS 105069, at \*2-3 (E.D. Tex.

July 31, 2014). Courts within this district calculate attorneys' fees in FLSA cases using the 'lodestar,' which is "the number of hours an attorney reasonably spent on the case [times] an appropriate hourly rate, which is the market rate in the community for this work." *Id.*

3. Reasonable hourly rates for attorneys practicing in U.S. District Courts in Texas range from about \$225 per hour to more than \$500 per hour. *Id.* at \*17-18 (collecting cases).

4. Plaintiffs' counsel expended a total of approximately 346 hours litigating the combined *Shetzer* and *Bennett* matters over the course of two years. Plaintiffs' counsel expended time and effort on investigating the facts surrounding Plaintiffs' claims prior to filing suit, obtaining certification of a collective action, issuing notice to the collective action class, discovery both formal and informal, a mediated settlement conference, and negotiating a final settlement agreement for more than 250 named and opt-in plaintiffs. If the Court approves the Parties' settlement agreement, Plaintiffs' counsel will expend further time and effort distributing the settlement funds.

5. Sanford Law Firm's fees and costs in the *Shetzer* and *Bennett* matters to date are \$127,608.69, as documented in the contemporaneous billing records attached hereto. Therefore, Plaintiffs' counsel discounted their lodestar fee by approximately one third to facilitate settlement of this matter.

6. Attorneys Zachary Crosner and Michael Crosner also appeared on behalf of the Plaintiffs in this case. See ECF Nos. 108 & 109. Although Zachary

Crosner and Michael Crosner participated in the litigation and settlement, their time and expenses are not included in the billing records attached hereto.

7. Plaintiffs file herewith and incorporate herein the following Exhibits:
  - a. Declaration of Josh Sanford;
  - b. Sanford Law Firm Invoice in the *Shetzer* matter;
  - c. Sanford Law Firm Invoice in the *Bennett* matter.

Respectfully submitted,

**ELISSA SHETZER, SHANA BETTS,  
ERIC MARTIN, JASON COPE and  
ANGELA GUFFEY, Individually and on  
Behalf of All Others Similarly Situated**

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By: /s/ Josh Sanford  
Josh Sanford  
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**CERTIFICATE OF SERVICE**

The undersigned counsel hereby certifies the foregoing BRIEF was filed via the Court's CM/ECF System on this 12th day of July, 2017, and thereby electronically served upon the following counsel of record:

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/s/ Josh Sanford  
**Josh Sanford**